



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,888	02/12/2004	Michael H. Retzer	CM05169H	1939
22917	7590	03/07/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER NGUYEN, THUAN T	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 03/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary	Application No. 10/777,888	Applicant(s) RETZER ET AL.	
	Examiner THUAN T. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Remark

1. Claims 10-13 have been cancelled, and claims 1-9 are pending for reconsideration.

Response to Arguments

2. Applicant's arguments filed on 9/22/2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not **clearly point out the patentable novelty** which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, **they do not show how the amendments avoid such references or objections.**

Applicants quote "Applicant's invention is directed to efficient transmission of data to a given target address for the purpose of improving throughput in a wireless network. Applicant's disclosure specifically describes a method that, while satisfying the IEEE 802.11 standard, improves throughput by concatenating messages that are sent to the same target address; Applicant's claims describe variations on how to concatenate frames being sent to the same target address, and doing so in a manner that does not run afoul of the requirements for a 802.11 wireless local area network (LAN) system. Applicant's invention modifies the operation of a standard 802.11 wireless device without violating system requirements or causing additional

Art Unit: 2618

message errors”; however, the applicant does not clearly point out **how** the modification of the operation of a standard 802.11 wireless device without violating system requirements or causing additional message errors, and **how to enhance the efficiency of 802.11 standard.**

Since the applicant does not clearly point out the novelty of the present application (how and what) and there is no showing amendment to avoid such references or objections, the examiner respectfully believes the Yildiz reads on the present claims as in the previous office action.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yildiz et al. (U.S. Patent No. 6,674,738 B1).

Regarding claim 1, Yildiz teaches “a method for improving throughput in a wireless local area (WLAN), the method comprising the steps of: buffering a set of messages; identifying a target address for the set of messages; and concatenating the set of messages based on the target address” (col. 7/line 56 to col. 8/line 36 & Fig. 1 for a wireless LAN; col. 9/line 34 to col. 10/line 45 for set of protocols are used including having frames buffering for other stations send

Art Unit: 2618

messages in item h; and col. 12/lines 13-19 for messages are concatenated based on the target address).

As for claim 2, Yildiz teaches “wherein the step of concatenating further comprises the steps of: (a) eliminating a sync interval; (b) preserving a message header; (c) transmitting a subsequent message; (d) transmitting the message header; and (e) repeating steps (a) through (d), until a last subsequent message in the set of messages have been sent”, i.e., this procedure equivalent to the process of evaluating and assembling data segments based on the message headers and the routine to check it again and again (refer to Fig. 5 and col. 14/line 37 to col. 15/line 27 for gathering data segments for the target destination).

As for claim 3, Yildiz further teaches “wherein the step of preserving further comprises the step of preserving a start of frame delimiter (SFD) and transmitting the SFD” (Fig. 2A, see col. 10/lines 46-60 as frame control field as SFD).

As for claims 4 and 5, Yildiz teaches “wherein the message is identified as a MAC protocol data unit (MPDU) type message” (Fig. 2A); and “wherein the message is identified as a PLCP protocol data unit (PPDU) type message” (col. 28/lines 17-37 for PLCP protocol header).

As for claims 6-9, Yildiz teaches “wherein the step of concatenating based on the target address comprises identifying the target address as an unicast type address”; “wherein the step of concatenating based on the target address comprises identifying the target address as a broadcast type address”; and “wherein the step of concatenating based on the target address comprises identifying the target address as a multicast type address”; and “wherein the step of concatenating based on the target address comprises identifying the target address as an unicast

Art Unit: 2618

type address, a broadcast type address and a multicast type address" (refer to Figs. 29-31, and col. 29/line 16 to col. 30/line 39 for unicast, multicast or broadcast concerned).

(Claims 10-13 has been cancelled).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

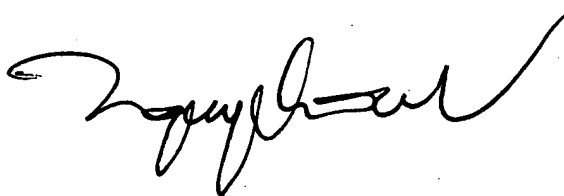
or faxed to the New Central Fax number:
(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Art Unit: 2618

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tony T. Nguyen', with a stylized flourish at the end.

Tony T. Nguyen
Primary Examiner
Art Unit 2618

TTN
February 11, 2008